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8 UNITED STATES DISTRICT COURT
9 SOUTHERN DISTRICT OF CALIFORNIA

10 ALVIN HENNINGTON, JR.,) Case No. 08cv0859 JAH (LSP)
11 Plaintiff,) NOTICE OF MOTION AND MOTION TO
12 v.) DISMISS
13 U.S. CUSTOMS AND BORDER) DATE: September 15, 2008
14 PROTECTION,) TIME: 2:30 p.m.
15 Defendant.) CTRM: 11
) JUDGE: Hon. John A. Houston
) NO ORAL ARGUMENT UNLESS
) REQUESTED BY THE COURT

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18 TO: PLAINTIFF, ALVIN HENNINGTON, JR.

19 PLEASE TAKE NOTICE that on Monday, September 15, 2008 at 2:30 p.m., or as soon
20 thereafter as counsel may be heard, in the Courtroom of the Honorable John A. Houston, Defendant,
21 through its attorneys of record, Karen P. Hewitt, United States Attorney, and Christopher B. Latham,
22 Assistant United States Attorney, will bring on its Motion to Dismiss pursuant to Rules 8, 12(b)(1) and
23 12(b)(6) of the Federal Rules of Civil Procedure.

24 This motion is based upon the accompanying memorandum of points and authorities, and the
25 files and records of this case.

26 DATED: July 11, 2008

KAREN P. HEWITT
United States Attorney

s/ Christopher B. Latham

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28 CHRISTOPHER B. LATHAM
Assistant U.S. Attorney
Attorneys for the United States of America